



COMMUNITY DEVELOPMENT DEPARTMENT

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Website Address: www.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JANUARY 13, 2004

PRESENT: Acevedo, Benich, Engles, Escobar, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer, Associate Planner (AP) Plambeck, and Minutes Clerk Johnson.

Chair Mueller called the meeting to order at 7:01 P.M.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Mueller opened the public hearing.

Having asked AP Plambeck to lead the Pledge of Allegiance, Chair Mueller subsequently requested that he provide an overview of his background and the duties he completes in the Planning Department. AP Plambeck graciously responded.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

MINUTES:

DECEMBER 2, 2003: COMMISSIONERS ESCOBAR/ACEVEDO MOTIONED TO APPROVE THE DECEMBER 2, 2003 MINUTES, WITH THE FOLLOWING MODIFICATION:

Page 10 paragraph 6: using the ~~to~~ Lawrence property *as an example*,~~projects~~
phases

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER; NOES: NONE;

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ABSTAIN: ENGLES, WESTON; ABSENT: NONE.

DECEMBER 9, 2003: COMMISSIONERS LYLE/ESCOBAR MOTIONED TO APPROVE THE DECEMBER 9, 2003 MINUTES WITH THE FOLLOWING MODIFICATIONS:

Page 4 middle paragraph: add *approximately 41 48 approximately 48* more units.

Page 5, paragraph 7: Commissioner Lyle ~~said that he estimates the on-going projects can 'beat out' others because of the scoring under new criteria.~~ *stated that starting in 2006/07, if the "P" replacement initiative passes, the new criteria will likely result in a number of projects near the new core area outscoring the current ongoing projects.*

Page 5 paragraph 9: have *current* 2006-07 allotments 'move up'

Page 5 paragraph 10: allocations were ~~reduced~~ *increased*

Page 6 paragraph 2: ~~duty~~ *quota*

Page 8 paragraph 12: priority in ~~2005-06~~ 2006/07

Page 9 paragraph 1 (add): Commissioner Lyle informed that he was also present at that meeting and recalled that the members of the City Council only stated that 'those projects should be considered for allocations'.

Page 9 paragraph 6: Staff further recommended to allow a 1 time only excession of the 30 limit if required to maintain the East/West distribution split.

Page paragraphs 13and 14: ~~micro and MICRO AND AFFORDABLE~~

Page 10, paragraph 5: ~~gauging~~ the developer's accuracy and ~~competency~~ *timeliness* of submittals to the City Planning Department . ~~, how well it is done.~~

Page 13 announcements duplicated within the 12/2/03 minutes were deleted.

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: ENGLES; ABSENT: NONE

NEW BUSINESS:

**1) SD-03-15/
DA-03-14: E.
CENTRAL-
WARMINGTON
HOMES**

A request for approval of a 10-lot subdivision and development agreement for Phase III of the Morgan Lane development on a 1.52-acre site located on the north side of E. Central Ave., Lots 51 – 59 of Tract 9408 and Lot 50 of Tract 9474, in the R-1 7,000/RPD zoning district.

PM Rowe presented the staff report, explaining this development is phased and the environmental work (EIR) has been completed for this phase. He went on to clarify that the matter before the Commissioners in this meeting is a 'phasing agreement'. PM Rowe called attention to the Standard Conditions (Exhibit A, page 7), saying that item B is to be stricken, as the Below Market Rate (BMR) requirement is not applicable to this phase of the development. He explained that a total of nine (9) BMRs are required, with six having been allocated to the first phase and the remaining three (3) to the next phase of the project.

PM Rowe then addressed the development agreement, saying that **h (ii)** on page 6 is not applicable, and therefore is to be eliminated. Commissioner Lyle noted the original application contains the provision that the fire suppression items are designated for square footage of 1,500 feet. Consequently, the item [**h (ii)**] was

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retained, but changed to read ~~3,000~~ 1,500.

Continuing, PM Rowe asked the Commissioners to recommend language on page 8, item **n, (ii)** for clarification as to whether to eliminate or clarify this issue (BMR), as the BMR requirement is for the entire project, but is not required for this specific phase. Commissioners directed PM Rowe to adjust the narrative to reflect that the BMR requirement of nine (9) pertains to the entire project, but is not included in this phase.

PM Rowe reiterated that this item deals with establishing a development (phasing) schedule.

Commissioner Lyle asked, regarding item 5, page 21 of the Standard Agreement, if the 72 feet of improvements pertained to only the area on East Main Ave.? PM Rowe provided a description of the area under discussion and the improvements required.

Commissioner Acevedo raised the issue of TDCs. "I thought we had a discussion several months ago regarding the elimination of TDCs, but here there are two?" he questioned. PM Rowe explained that in the agreement, the developer has approved the payment of the TDCs through an open space in-lieu fee.

Commissioner Benich called attention to Page 10, **p (iii)** asking if these would be covered bus stops? "I would like to see the City upgrade the requirements for bus stops," he said. "I think the City should take an active role in promoting covered bus stops."

Commissioner Escobar pointed out that there is an 'associated cost' with covered bus stops, as the City would have on-going maintenance costs. "This (covering the stops) is not a one-time expense," Commissioner Escobar explained.

PM Rowe referenced the application wherein the applicant has indicated they will install a shelter, which appears to imply the stop will be covered.

Commissioner Weston looked at the Standard Agreement, page 21 # 5, asking if this includes curb, gutter, sidewalk, street lighting, etc.? PM Rowe responded that the applicant has committed to the improvements in the area designated.

Commissioner Benich asked if the improvements include utility undergrounding? SE Creer explained that the applicant received a pricing estimate for relocating the electrical poles for the project and because of the ~~narrowness to~~ *small difference in* price for undergrounding, the City has committed to partnering with Warmington for the installation of underground placement. SE Creer went on to give the details of utility relocation in the area in response to questions. He also addressed the in-lieu fee structure for the area as requested.

Chair Mueller opened the public hearing.

Commissioner Lyle asked when the project start date will be? The applicant's representative was present and told the Commissioners it is anticipated to begin in

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early April.

With no persons indicating a wish to address the matter, the public hearing was closed.

COMMISSIONER WESTON OFFERED RESOLUTION NO. 04-01, APPROVING A 10 LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON A 1.539-ACRE PORTION OF TRACT NOS. 9408 AND 9474 LOCATED NORTH OF EAST CENTRAL AVENUE, WITH THE FOLLOWING MODIFICATION:

Exhibit A, Standard Conditions:

Page 7, VIII, B. Delete as non-applicable to this phase of development.

Page 21 X4 & X5: These and maybe some other X's are not in this Subdivision phase and should be dropped.

THE MOTION WAS SECONDED BY COMMISSIONER LYLE (who ascertained clarification that this phase contains 10 units only and that the BMR requirement is not applicable to this phase). THE MOTION CARRIED WITH THE UNANIMOUS VOTE OF ALL PRESENT.

COMMISSIONER ACEVEDO/WESTON MOTIONED ACCEPTANCE OF RESOLUTION NO. 04-02, RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT APPLICATION, DA-03-14 FOR TEN BUILDING ALLOTMENTS AWARDED AS PART OF APPLICATION MP 02-19: E. CENTRAL – WARMINGTON, WITH THE FOLLOWING MODIFICATIONS:

Residential Development Agreement:

Page 6, h (ii) ~~3,000~~ 1,500

Page 8, (l) (iii) & (v) delete

Pages 9-10 (p) (i), (ii), (iii), (vii) & (x) delete

Page 10 (q) (vi) delete

Exhibit B:

IV: ~~3/31/05~~ 3-30-04

V: ~~6-30-05~~ 9-30-04

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

2) ZA-03-19: CITY OF MORGAN HILL-ZONING TEXT AMENDMENT/COMMUNITY ACTIVITY SIGNS

A request to amend Title 18 of the Municipal Code to modify the sign code to allow for community activity signs and changeable copy signs for public and quasi-public uses.

PM Rowe informed the request is being made by the City with the intent of modifying the sign code text. Specifically the proposal would amend the definition of Community Activity Signs, create a definition for 'Community Group', and amended the criteria for such signs. The anticipated action will also allow changeable copy-signs for public agencies, schools, playhouses, and religious institutions. PM Rowe reported that the staffs of the Planning Department and the City Attorney need to do additional research on the proposed changes and consequently there is a request for

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continuation of this item.

Commissioner Acevedo expressed disappointment that the issue of 'creative signs' which he raised at the last meeting was not addressed in the staff report. PM Rowe indicated there did not appear to be direction to staff for the inclusion of 'creative signs'.

Chair Mueller commented that he thought the entire matter dealing with signs was to be brought to the Commission at this meeting, as it was implied that the Sign Ordinance would be reviewed in January. PM Rowe said, "No, this is the matter that was proposed to be addressed."

Commissioner Acevedo said that he would not suggest 'blanketedly' allowing 'creative signs', but that each would be brought to the Commission on a case by case basis.

PM Rowe said the Downtown Task Force is discussing the matter, and it seems the subject is mainly pertinent to the downtown. "It probably will be seen as a specific amendment to the Downtown Plan," PM Rowe said.

Chair Mueller suggested looking at the signage as part of the Downtown Plan in total, asking when the Downtown Plan will be presented?

PM Rowe said it will be about six months before the completion and presentation.

PM Rowe explained that the Community Playhouse sign is legal as now in place.

Commissioner Escobar raised the issue of some area high schools with digital signs, questioning whether a(n) ~~evaluation~~ review..... being included in the ~~evaluat(e)ion for the Community Center?~~

AP Plambeck said that at the present time, only manually changeable signs, and small signs, are under consideration in the Ordinance.

PM Rowe informed that the Community Center staff has asked the Planning Department to look at the possibility of digital signage. "The question is," he explained, "how many venues will there be for differing signage? That's a concern from a planning point of view."

Chair Mueller said those issues (digital/electronic signage, numbers of types of signs, etc.) should definitely be part of the discussion when the Commission re-looks at the sign Ordinance.

Commissioner Lyle agreed, saying electronic signs should unquestionably be included.

Chair Mueller opened the public hearing.

COMMISSIONER ESCOBAR OFFERED A MOTION OF CONTINUATION TO JANUARY 27, 2004, FOR ZA-03-19: CITY OF MORGAN HILL – ZONING

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TEXT AMENDMENT/COMMUNITY ACTIVITY SIGNS AND CHANGEABLE COPY SIGNS FOR PUBLIC AGENCIES, SCHOOLS, PLAYHOUSES, AND RELIGIOUS INSTITUTIONS. COMMISSIONER BENICH SECONDED THE MOTION, WHICH PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

Commissioner Weston was excused at 7:41 p.m. for the next item of business due to a conflict of interest.

Commissioner Engles left the meeting at 7:42 p.m. and returned at 7:43 p.m.

3) ZA-03-21: CITY OF MORGAN HILL- ZONING TEXT AMENDMENT/ DEFERRAL OF IMPROVEMENTS FOR TEMPORARY USE PERMITS

A proposed amendment to Chapter 18.54 of the Morgan Hill Municipal Code to establish provisions for interim uses, including the potential deferral of onsite improvements.

AP Plambeck presented the staff report, saying this matter is the result of a request from supporters of a proposed Day Workers Center to waive or defer the on-site and off-site improvements for the proposed facility. "Currently, such waivers are not possible under City code," he said. Continuing, AP Plambeck said that when the City Council received the request, they established an Interim Use Subcommittee, with Councilmember Tate and Commissioners Mueller and Acevedo being appointees. AP Plambeck reported that Planning Staff has been working with the Subcommittee to create suggested amendments to the Code. He noted that the City's Redevelopment Agency (RDA) has agreed to provide a loan to complete the off-site improvements, so discussion now can be limited to waiver or deferral of the on-site improvements. AP Plambeck reviewed the recommended provisions of the amendment to the Ordinance. He also noted that this request is based on the applicant being a charitable organization, as defined by the IRS.

Commissioner Lyle asked AP Plambeck to address the issue of impact fees relating to the request. AP Plambeck replied that impact fees do ~~on~~ not apply to the on-site improvements under discussion.

Chair Mueller said that there is no option of deferring the ~~off on~~ off-site improvements and noted again that the off-site improvements will be covered by the loan from RDA. He also said the off-site improvements are narrowly defined, and that if fees are required, they must be paid, *for the Project that made the request, the off-site improvements.*

Commissioner Lyle called attention to Section 18.54.230, item 9, saying it appears to imply the applicant doesn't have to address the 'serious threat to the public health, safety and welfare, and to what extent' unless the applicant so chooses. "This needs to be more explicit," Commissioner Lyle said.

Chair Mueller suggested that Section 18.54.230, item 9 is not deferrable.

Commissioner Escobar asked what other types of applicants might be interested in a service provision such as this? AP Plambeck explained the restrictions of the amendment to 501(c) (3) charity organizations. Commissioner Escobar expressed concern that the amendment is being created for a specific use. He also cited the

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reference to 'employment centers' on page 2 of the staff report, asking clarification of this type of center. AP Plambeck responded with an explanation of a temporary manpower agency. Chair Mueller thought that might only need an office for operations.

Commissioner Benich commented he was pleased to see the term 'for public benefit' used throughout the proposed document. "But why are we concerned with 'leasing space?'" he asked. Discussion ensued regarding leased space for this type of venture.

Commissioner Lyle broached the topic of non-profits, suggesting that the applicant base be broadened. "However, we might want to consider such things as political parties; are they exempt?" Commissioner Lyle questioned.

Commissioner Escobar suggested that if such an operation is 'for the public good', should the City be concerned if potential applicants are charitable organizations? Commissioner Engles agreed, saying that the applicant should not be the highest priority.

Commissioner Acevedo cautioned that this amendment is setting a precedent. "The subcommittee spent considerable time discussing the limitation of scope on this. Spot zoning is illegal, so we worked to make the language open enough for allowing specific use, but avoiding spot zoning," Commissioner Acevedo explained.

Chair Mueller opened the public hearing.

With no persons present who indicated a desire to speak to the matter, Chair Mueller closed the public hearing.

Commissioner Escobar called attention to the fact that an exit plan is mentioned, but is somewhat nebulous, as the Ordinance says 'at the time of leaving'.

Commissioner Acevedo pointed out that there will be an increase in traffic at the site, and asked about traffic impact fees. PM Rowe responded that the use is temporary and therefore the traffic impact fees which are attached to permanent occupancy is not applicable.

Commissioner Weston asked for clarification regarding the exit plan (Chair Mueller explained exit plans are required as part of the permit submission).

Commissioner Engles asked questions regarding the make up of the subcommittee. Chair Mueller explained.

COMMISSIONER BENICH OFFERED RESOLUTION NO. 04-03, RECOMMENDING APPROVAL OF TEXT AMENDMENT ADDING ARTICLE III (INTERIUM USE PERMITS) TO CHAPTER 18.54 (CONDITONAL AND TEMPORARY USE PERMITS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL

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WITH THE FOLLOWING MODIFICATIONS:

Deletion of the term ‘off-site improvements’ throughout the document
Deletion of Section 18.54.230, item 9

COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLER, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Weston resumed his seat with the Commissioners at 8:16 p.m.

OLD BUSINESS:

**4) APPOINTMENT
OF PLANNING
COMMISSION
SUBCOMMITTEE
TO REVIEW
CHANGES TO THE
(RDCS)
EVALUATION
CRITERIA**

PM Rowe presented the staff report, noting the requirement for the Planning Commission to review the RDCS standards and criteria following each competition, and determine whether changes and/or amendments are necessary for the upcoming competition. PM Rowe said the Measure P Update Committee had identified a number of changes that could streamline the application process. He noted that the Commissioners will also need to consider major changes to the evaluation criteria that would be necessary following voter approval of the RDCS update (Measure C) on the March ballot.

PM Rowe reminded that in the past, a subcommittee of the Commission and developers had worked on keeping current the recommendations for change for the competition. PM Rowe said that staff would be taking on more work than usual in the process, with the working beginning now. He suggested that the subcommittee could have recommendations to the Commission at the April 13, 2004 meeting, stating the time line had been discussed with the Director of Community Development.

PM Rowe suggested that two or three Commissioners be appointed by the full Commission to the subcommittee. He explained that it would be proper for staff to be directed to recruit two members of the development community, and one each representative of the school district and a non-profit housing agency, with those appointments to be made by the full Commission as well. PM Rowe concluded by stating that the staff will take a more active role in the subcommittee.

At the request of Commissioners, PM Rowe listed the members of the subcommittee last year.

Commissioner Weston suggested that a representative from the Downtown Task Force be added. Chair Mueller said that this subcommittee really needs people fully familiar with the details of Measure P, “so this is very different from the Downtown Task Force.”

Chair Mueller asked the Commissioners to comment on how many Commissioners should be appointed to the Subcommittee, as well as other representatives. Commissioner Lyle said there should be three Commissioners, adding that he agreed with the recommendation of staff regarding the makeup of the Subcommittee. “I’d

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also like to see a representative of the Architectural Review Board (ARB) as well,” Commissioner Lyle said.

PM Rowe said that the Commissioners will want the Subcommittee to have a creative approach to the future. “By having the school and non-profit representatives, there is a possibility that changes will be identified more readily,” he said.

Commissioner Weston indicated his wish to have the non-profit representative from a larger geographical area, which he said might encourage greater participation in the application process and ultimately assist with increase in the affordable housing category.

(and last sentence)...needed, *but added that ‘new blood’ would be beneficial.*

Commissioner Lyle commented that if there were a lot of new people on the Subcommittee, it probably would become a much longer process. He explained that his suggestion of an ARB appointment was because of the concern that Board had expressed repeatedly in the area of Quality of Construction, which might require some measure of creative thinking this time. As to the ‘Livable Community’ category, Commissioner Lyle said, the ARB could provide good input.

Commissioner Weston said there should be a representative from the Master Plan for Downtown.

Commissioner Lyle noted that there are members of the Commission who serve on the Master Plan for Downtown, as well as several developers.

Chair Mueller said there is a real need to keep the group small.

CHAIR MUELLER, COMMISSIONER LYLE AND COMMISSIONER BENICH VOLUNTEERED TO SERVE ON THE SUBCOMMITTEE AS REPRESENTATIVES OF THE COMMISSION. This was readily accepted, as other Commissioners cited commitments which prevented their accessibility for service.

Regarding suggested changes for the Subcommittee to consider, the following were identified:

- Five categories linked to the Measure C update (Commissioner Lyle has submitted a list to Staff).
- Clarification of the ‘one point’ awarded by Commissioners – whether it is one point to a single project or allowable to all projects above a threshold.
- Need to clarify fully the detention/retention pond issue: which area is supported by the installation.

Discussion followed as to establishing a meeting schedule for the Subcommittee.

ANNOUNCEMENTS: PM Rowe reminded Commissioners that the League of California Cities Planning Commissioners Institute will be held in Monterey CA this year and that there is

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money in the budget for each Commissioner to attend. The conference will be held March 31 through April 2. Commissioners wishing to attend should contact Frances to make reservations. Commissioner Benich indicated he plans to attend.

As to the work of the City Council, PM Rowe reported at the December 17, 2003 meeting, the Council approved Subdivision SD-03-11: Cochrane - Coyote Estates as recommended. The Council modified the Development Plan under application ZA-02-16: DeWitt - Marquez and amended the Subdivision Maps under applications SD-02-11: DeWitt - Marquez and SD-03-05: DeWitt - Marrad to eliminate the direct connection of Price Drive to DeWitt Avenue. The amended plan has Price Drive connecting to Loop Way, extending first north, then east to DeWitt Avenue. The former Price Drive connection to DeWitt Avenue was changed into a cul-de-sac street.

The Council also approved the Commission's recommendations, approving the General Plan Amendment, Urban Service Boundary Adjustment Application, and Zoning Amendment as prerequisites for annexation of the new Sobrato High School on Burnett Avenue.

PM Rowe further reported that the Council approved the Development Agreement Amendments for the Cochrane - Coyote Estates, Malaguerra - Mancias and Berkshire - Singh residential projects. With respect to the Singh project, the Commission has recommended no further extensions of time. The Council granted a three month extension given that the applicant had made progress, having recorded the final map and obtaining building permits subsequent to the Planning Commission meeting.

The Council approved the General Plan Amendment, Zoning Amendment and Development for the McLaughlin/Central - South County Housing project as recommended by the Commission, PM Rowe reported.

PM Rowe also reported on the Council's review of the Watsonville - South County Housing Teacher Housing Project. He noted that the Commission had voted 3-3 on this item. The Council reviewed the proposed density of the project and the number of exceptions to City Codes required to complete the development. The Council directed staff to evaluate alternatives to the 12 unit project that would have less density and hopefully fewer exceptions to City Codes.

Responding to Chair Mueller's questions, PM Rowe said the street standards are tentative for the February 24 meeting. He also informed that he is working with the traffic consultants for setting a time for the traffic study workshop, wherein traffic studies are more easily understood.

Chair Mueller said there is opportunity to tour the Math Institute and golf course. Responding to agreement by the Commissioners to tour, it will be arranged for three groups to tour with local personnel. Continuing, Chair Mueller said the applicant for the Math Institute is willing to attend the next Commission meeting to answer questions to assist Commissioners as they formulate comments on the project during the public comment period. The Commissioners felt this proposal had merit, and a workshop for such will be scheduled for 5:30 p.m. January 24, 2004.

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Commissioner Acevedo asked that SE Creer address (at the next meeting) the newly placed stone filled medians at the railroad tracks.

Commissioner Acevedo reiterated his requests regarding the issue of 'creative signs', and review of the entire the Sign Ordinance. Commissioner Acevedo pointed out that the minutes of December 9, 2003 – page 2 – had noted the same request. He said his expectation was that the agenda item coverage at this meeting (January 13, 2004) would reflect the discussions.

ADJOURNMENT:

There being no further matters for consideration, Chair Mueller adjourned the meeting at 8:50 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk